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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TABARE B. DUTTO,

Defendant.

CASE NO. 1:22-CR-00064-BAM
1:22-po-00023-SAB

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: March 10, 2022
TIME: 1:00 p.m.
COURT: Hon. Stanley A. Boone

Defendant Tabare B. Dutto made his initial appearance on the Class A misdemeanor citation on February 24, 2022. (Case #1:22-po-00023). Defendant pleaded not guilty, was appointed counsel, and a preliminary hearing was set for March 10, 2022.

On March 3, 2022, the government filed an information. (Case #1:22-cr-00064-BAM at Doc. 8). The government has also provided initial discovery.

The parties now move, by stipulation, to vacate the preliminary hearing and set the matter for arraignment on the information and status conference on April 21, 2022 at 10:00 am.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for preliminary hearing on March 10, 2022.
2. By this stipulation, defendant now moves vacate the preliminary hearing and set the

1 matter for arraignment on the information and status conference on April 21, 2022, and to exclude time
2 between March 10, 2022, and April 12, 2022, under Local Code T4.

3 3. The parties agree and stipulate, and request that the Court find the following:

4 a) The government has represented that the discovery associated with this case
5 includes investigative reports, witness statements, and photographs. All of this discovery has
6 been either produced directly to counsel and/or made available for inspection and copying.

7 b) Counsel for defendant desires additional time to consult with his/her client,
8 review the charges, conduct investigation and research, review discovery and discuss potential
9 resolution of the case.

10 c) Counsel for defendant believes that failure to grant the above-requested
11 continuance would deny him/her the reasonable time necessary for effective preparation, taking
12 into account the exercise of due diligence.

13 d) The government does not object to the continuance.

14 e) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of March 10, 2022 to April 12, 2022,
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
20 because it results from a continuance granted by the Court at defendant's request on the basis of
21 the Court's finding that the ends of justice served by taking such action outweigh the best interest
22 of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 8, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ JEFFREY A. SPIVAK
JEFFREY A. SPIVAK
Assistant United States Attorney

Dated: March 8, 2022

/s/ Erin Snider
Erin Snider
Assistant Federal Defender
Counsel for Defendant
TABARE B. DUTTO

It is ordered. It is also ordered that time is excluded from today's date to April 12, 2022 at 10:00 for the reasons stated above.

IT IS SO ORDERED.

Dated: March 9, 2022


TABARE B. DUTTO
UNITED STATES MAGISTRATE JUDGE